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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael A. Nelson

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11/08/2005

SPRINKLE IP LAW GROUP

1301 W. 25TH STREET

SUITE 408

AUSTIN, TX 78705

EXAMINER

RYMAN, DANIEL J

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,755

Applicant(s)

NELSON ET AL.

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Examiner acknowledges Applicant's filing of an RCE on 9/26/2005.
2. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7, 9, 12-14, and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Epps et al. (USPN 6,731,644).
5. Regarding claims 1, 9, 19, 20, and 23, Epps discloses a method and system comprising: receiving a plurality of frames (col. 3, lines 11-36 and col. 4, lines 58-67); storing the frames in a receive buffer (ref. 33), wherein the receive buffer is configured to be accessed in a first-in-first-out fashion (Fig. 3 and col. 5, lines 47-60); storing header information corresponding to each of the frames in a header storage (ref. 320), wherein the header storage is configured to provide access to the header information in the same order as the frames (Fig. 3 and col. 5, lines 47-60); retrieving header information from the header storage, wherein the header information corresponds to a first frame (col. 5, line 61-col. 6, line 6 and col. 9, lines 1-15); prior to the first frame reaching a head position in the receive buffer, making a routing

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decision for delivering the first frame to its destination based upon the header information (col. 5, line 61-col. 6, line 6 and col. 9, lines 1-22) where the routing decision is made in an intermediate stage of the pipeline process (the TLU stage: col. 6, lines 36-42) and where the packet is transferred once it has reached the final pipeline stage; retrieving the first frame from the receive buffer (col. 5, line 61-col. 6, line 6 and col. 9, lines 11-22); and routing the first frame based upon the routing decision (col. 3, lines 22-34 and col. 9, lines 1-22).

6. Regarding claims 2, 21, and 22, Epps discloses that the routing decision for the first frame is made while a preceding frame is being routed (col. 3, lines 22-36 and col. 5, line 61-col. 6, line 6).

7. Regarding claim 3, Epps teaches the limitation wherein routing the first frame comprises transmitting the first frame to the transmit buffer of a destination determined by the routing decision (col. 1, lines 51-56; col. 3, lines 22-34; and col. 9, lines 1-22).

8. Regarding claim 4, Epps discloses maintaining a timer (TTL) corresponding to each header in the header storage (col. 11, line 22 and col. 11, lines 38-45).

9. Regarding claim 5, Epps discloses retrieving a timer corresponding to the retrieved header information, determining whether the timer corresponding to the retrieved header information exceeds a predetermined maximum value (TTL expired), and discarding the frame ("switch cannot forward the packet") corresponding to the header information if the timer corresponding to the retrieved header information exceeds the predetermined maximum value (col. 11, line 22 and col. 11, lines 38-45).

10. Regarding claims 7, 12, 13 and 14, Epps teaches the limitation wherein the receive buffer is a First-in-first-out (FIFO) buffer having a head position and a tail position, wherein entries are

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written to the tail position and are promoted through the FIFO buffer to the head position, and wherein retrieving the first frame from the receive buffer comprises reading the frame at the head position (Fig. 3; col. 5, line 51-col. 6, line 6; and col. 15, lines 61-65).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epps et al. (USPN 6,731,644) as applied to claims 1 and 9 above, and in further view of Darnell et al. (US 6,317,415).

13. Regarding claims 6 and 10, Epps does not expressly disclose snooping on received frames to identify the header information corresponding to each of the frames. Darnell teaches, in the analogous field of communications, using a snoop circuit (ref. 120) for snooping on received frames to identify the start of a frame (Fig. 5 and col. 11, lines 53-col. 5, lines 20-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to snoop on received frames to identify the header information corresponding to each of the frames since snooping is well known in the art as a means for identifying portions of a data stream.

14. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epps et al. (USPN 6,731,644).

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15. Regarding claims 8 and 11, Epps does not expressly teach providing a bypass circuit coupled to the header storage, wherein if no header information is available at the head of the header storage, the bypass circuit makes next-received header information immediately available. However, Epps does teach that the switch is to operate as fast as possible (col. 3, lines 34-35). Epps also suggests that the packet is operated upon as soon as possible (“as the data arrives”) (col. 6, lines 19-24). Therefore it would have been obvious to one of ordinary skill in the art to provide a bypass circuit coupled to the header storage, wherein if no header information is available at the head of the header storage, the bypass circuit makes next-received header information immediately available in order to ensure a packet is processed as soon as possible (i.e. a packet does not wait in a buffer while the processor simultaneously waits for a packet to process).

16. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epps et al. (USPN 6,731,644) as applied to claims 1 and 9 above, and in further view of Kent et al. (US 4,845,722).

17. Regarding claim 15, Epps does not expressly disclose a plurality of timers associated with each frame in the receive buffer, wherein each timer indicates the amount of time the corresponding frame has been in the receive buffer. Kent teaches, in a switching system, using a plurality of timers associated with each frame in a buffer, wherein each timer indicates the amount of time the corresponding frame has been in the buffer in order to ensure that the buffer does not overflow (col. 16, lines 25-36). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a plurality of timers associated with each frame

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in the receive buffer, wherein each timer indicates the amount of time the corresponding frame has been in the receive buffer in order to ensure that the buffer does not overflow.

18. Regarding claim 16, Epps in view of Kent suggests that the timers are stored in a first-in-first-out (FIFO) timer storage, wherein the timers are promoted through the FIFO timer storage as the corresponding frames are promoted through the receive buffer. Epps discloses storing information in FIFOs so that the information in one FIFO will progress through at the same rate as related information in another FIFO (Fig. 3; col. 5, line 51-col. 6, line 6; and col. 15, lines 61-65). Kent teaches the use of timers (col. 16, lines 25-36). Therefore it would have been obvious to the of ordinary skill in the art at the time of the invention to store the timers in a FIFO timer storage, wherein the timers are promoted through the FIFO timer storage as the corresponding frames are promoted through the receive buffer in order to relate two pieces of information given their placement in a FIFO buffer.

19. Regarding claim 17, Epps in view of Kent does not expressly disclose that the timers are stored in a random access timer storage, wherein each timer is associated with one of the frames in the receive buffer; however, Epps does disclose storing information in random access memories (col. 26, lines 4-5; col. 30, lines 49-52; and col. 30, lines 65-67). Examiner takes official notice that random access memory is well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to store the timers in a random access timer storage, wherein each timer is associated with one of the frames in the receive buffer since RAM is well known in the art.

20. Regarding claim 18, Epps does not expressly disclose transmit timers associated with the transmit buffer, wherein the transmit timer indicates the amount of time the frame currently

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residing in the transmit buffer has been in the transmit buffer. Kent teaches, in a switching system, using a plurality of timers associated with each frame in a buffer, wherein each timer indicates the amount of time the corresponding frame has been in the buffer in order to ensure that the buffer does not overflow (col. 16, lines 25-36). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have transmit timers associated with the transmit buffer, wherein the transmit timer indicates the amount of time the frame currently residing in the transmit buffer has been in the transmit buffer in order to ensure that the buffer does not overflow.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nichols et al. (US 4,977,582) and Sang et al. (US 6,577,636) disclose routing/forwarding systems that include storing frame header information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJR

Daniel J. Ryman
Examiner
Art Unit 2665



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